

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Taelor Green,

Plaintiff(s),

vs.

James Scally, *et al.*,

Defendant(s).

2:23-cv-00244-JAD-MDC

**ORDER GRANTING MOTION FOR
SERVICE (ECF NO. 33) AND DENYING
MOTION FOR APPOINTMENT OF
COUNSEL (ECF NO. 30)**

The Court has reviewed plaintiff's Motion for Appointment of Counsel (ECF No. 30) and Motion for Service (ECF No. 33). Plaintiff's *Motion for Appointment of Counsel* (ECF No. 30) is DENIED. Plaintiff's *Motion for Service* (ECF No. 33) is GRANTED.

The Court has twice denied plaintiff's motions for counsel, advising plaintiff there are no "exceptional circumstances" in this civil case that warrant the appointment of counsel. *See* Orders denying plaintiff's request for appointment of counsel at ECF Nos. 8 and 11. Plaintiff has not shown any change of circumstances since those orders were issued. Therefore, the Court denies plaintiff's Motion for Counsel (ECF No. 30).

Because plaintiff is proceeding in forma pauperis under 28 U.S.C. § 1915, he is entitled to rely on the United States Marshal Service for service. *See* Fed. R. Civ. P. 4(c)(3). Therefore, the Court grants plaintiff's Motion for Service.

ACCORDINGLY,

IT IS ORDERED that:

1. Plaintiff's Motion for Counsel (ECF No. 30) is DENIED.
2. Plaintiff's Motion for Service (ECF No. 33) is GRANTED.
3. The Clerk of Court is kindly directed to deliver the summonses and three copies each, of the complaint (ECF No. 13), the Screening Order (ECF No. 8), and this Order to the U.S.

Marshals Service for service upon defendants Sean Hankerd, Salarius Perry, and Dr. David Rivas at their last know addresses provided in ECF No. 21.

4. The Clerk of Court is directed to send to plaintiff sufficient USM-285 forms.
5. Plaintiff has 20 days within which to furnish to the U.S. Marshal the required USM-285 forms and return it to the U.S. Marshal, 333 Las Vegas Blvd. South, Suite 2058, Las Vegas NV 89101.
6. Within 20 days after plaintiff receives copy of the completed USM-285 forms from the U.S. Marshal, plaintiff must file a notice with the court stating if defendant was served or file a subsequent Motion for US Marshal Service, identifying unserved defendants.

DATED this 14th day of August 2024.

IT IS SO ORDERED.



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any

1 change of address. The notification must include proof of service upon each opposing party's attorney,
2 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
3 result in dismissal of the action.